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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,124	08/08/2003	Charles Binzel	CS21165RL	3836
20280 7590 02/25/2008 MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER VO, NGUYEN THANH	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 02/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/637,124	Applicant(s) BINZEL ET AL.	
	Examiner Nguyen Vo	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8, 10-13,16 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 5,9,14,15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPC on 13 August 2002. Accordingly, Patel (US 7,107,080) and Inoue (US 2003/0156551) are no longer prior art against the present claimed invention. The rejection to claims over Patel (US 7,107,080) and Inoue (US 2003/0156551) are now withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jokinen (5,570,369).

As to claim 19, Jokinen discloses a method in a mobile wireless communication device capable of receiving an incoming message transmitted in a series of portions over successive intervals, comprising receiving portions of an incoming message in at least two successive intervals without receiving a portion of the incoming message in a first of the successive intervals (see "receiving only 2 of the 4 time slots" at column 6 lines 28-31" and "the second and third time slot portions of four time slot messages" at column 6 lines 54-57); decoding the portions of the incoming message received (see the decoder 15 in figure 2).

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As to claim 20, Jokinen discloses the claimed limitation (see column 6 lines 11-13 which discloses receiving a third time slot; see also "receiving only 2 of the 4 time slots" at column 6 lines 28-31", and "the second and third time slot portions of four time slot messages" at column 6 lines 54-57).

As to claim 21, Jokinen discloses the claimed limitation (see column 6 lines 24-27 which discloses receiving a fourth time slot; see also "receiving only 2 of the 4 time slots" at column 6 lines 28-31").

As to claims 22-23, see column 6 lines 3-27.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 3-4, 6-8, 10-13, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massingill (5,978,366) in view of Kalveram (US 2001/0023184).

As to claim 1, Massingill discloses a method in a mobile wireless communication device capable of receiving a paging message transmitted in a series of bursts over successive time frames (see column 7 lines 9-35; column 8 line 55 to column 9 line 18), comprising receiving a first subset of burst in a corresponding time frame of an incoming paging message (see column 8 line 55 to column 9 line 18; column 10 line 56 to column 11 line 19); determining whether the incoming paging message corresponds to a known paging message based on the first subset of burst received (see column 8 line 55 to column 9 line 18; column 10 line 56 to column 11 line 19); comparing incoming data of the first subset of burst with known data of a corresponding burst of the known paging message (see column 8 line 55 to column 9 line 18; column 10 line 56 to column 11 line 19); and combining the incoming data with known data of a different burst of the known paging message only if results of comparing satisfy a specified requirement (since the wireless terminal determines if the incoming data is the same as the most recently received version (see column 9 lines 6-10), the wireless terminal must use the known data from the most recently received version with incoming data in the received burst. Accordingly, Massingill does disclose "combining the incoming data with known data of a different burst of the known paging message only if results of comparing satisfy a specified requirement" as claimed). Therefore, Massingill discloses all the claimed limitations except that the first subset of burst is a single burst (or not more than one burst) as recited in the claimed. Kalveram discloses receiving not more than one burst

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in a corresponding time frame of an incoming paging message (see paragraphs [0019]-[0021]); determining whether the incoming paging message corresponds to a known paging message based on the not more than one burst received (see paragraphs [0019]-[0021]); and saving battery consumption of a mobile wireless communication device based on the above determining (see paragraphs [0019]-[0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Kalveram to Massingill, in order to further reduce the power consumption of the mobile wireless communication device (as suggested by Kalveram, paragraphs [0006]-[0007]).

As to claims 3, 8, 18, the combination of Massingill and Kalveram discloses the claimed limitation (Massingill discloses at column 9 lines 6-10 that the wireless terminal determines if the incoming data is the same as the most recently received version).

As to claims 4, 12, the combination of Massingill and Kalveram discloses the claimed limitation (see Massingill, column 9 lines 10-14).

As to claims 6-7, the combination of Massingill and Kalveram discloses the claimed limitation (see Massingill, column 9 lines 10-14; column 10 line 56 to column 11 line 18).

As to claim 10, it is rejected for similar reasons as set forth in claim 1 above.

As to claim 11, the combination of Massingill and Kalveram discloses the claimed limitation (see Massingill, column 9 lines 10-14; column 10 line 56 to column 11 line 18).

As to claim 13, since Kalveram discloses the first burst (see paragraphs [0019]-[0021]), Kalveram discloses the claimed limitation.

As to claim 16, it is rejected for similar reasons as set forth in claim 1 above.

Allowable Subject Matter

7. Claims 5, 9, 14-15, 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 5, 17, the applied references fail to disclose or render obvious measuring a channel quality of the incoming paging message, rescaling the known data based on the channel quality of the incoming paging message as claimed.

As to claim 9, the applied references fails to disclose or render obvious the claimed invention because single burst as taught by Kalveram is in a first frame of the consecutive time frames.

As to claims 14-15, the applied references fails to disclose or render obvious receiving not more than a second one of the consecutive intervals without receiving any portion of the incoming message in a first of the consecutive intervals as claimed. In fact, the single burst as taught by Kalveram is in a first of the consecutive intervals.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nguyen Vo
Primary Examiner
Art Unit 2618

Nguyen Vo
2-17-2008